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TAGS: [PHUM](#) [PGOV](#) [KJUS](#) [CO](#)
SUBJECT: GOC TAKING CONCRETE STEPS TOWARDS INVESTIGATING
EXTRAJUDICIAL KILLINGS

Classified By: Political Counselor John S. Creamer. Reason: 1.4(b,d)

¶1. (SBU) Summary: An international human rights group coalition claims there were 955 extrajudicial killings by Colombian security forces between July 2002 and June 2007. The Prosecutor General's Office (Fiscalia) is formally investigating 189 allegations of extrajudicial killings involving 388 victims. These investigations have so far resulted in 160 preventive detentions, 90 indictments and nine convictions. The Fiscalia plans to set up a sub-section within its Human Rights Unit dedicated to investigate such killings. Meanwhile, the Inspector General's Office (Procuraduria) is investigating 706 alleged extrajudicial killings--some of which overlap with the Fiscalia's investigations--that occurred from March 2002 to August 31, ¶2007. UNHCHR reports strong cooperation from the Ministry of Defense (MOD) during its visits to seven Army divisions to review alleged killings and participate in the senior committee set up by the MOD to review the issue. The MOD is working to improve military cooperation with civilian investigators. End Summary.

International Commission on Extrajudicial Executions

¶2. (U) The International Commission on Extrajudicial Executions (a coalition of various human rights groups), headed by Lisa Haugaard of the Latin American Working Group in Washington, announced on October 10 that the group had identified at least 955 killings and 235 forced disappearances committed by Colombian security forces between July 2002 and June 2007. The members of the commission heard over 100 witnesses in Bogota, Medellin and Valledupar. The report criticizes the Fiscalia for not investigating the cases in a timely fashion, complains of the military's failure to cooperate with civilian investigators and blames President Uribe's Democratic Security policy for exacerbating the problem. The group urged international donors to condition military aid to Colombia on GOC action to end extrajudicial killings.

Fiscalia Investigates Extrajudicial Killings

¶3. (U) The Prosecutor General's Office (Fiscalia) has stepped up efforts to investigate and prosecute cases of

extrajudicial killings. An internal Fiscalía report identified 189 formal investigations of alleged extrajudicial killings between January 1, 2001, and August 31, 2007. 153 of these cases began under the written inquisitorial system, and 36 fall under the new oral accusatory system being implemented in the country. The Fiscalía's Human Rights Unit handles 108 of these cases while the remaining are being processed by regional prosecutor's offices. Of the 189 cases, 170 are still under investigation, 13 are suspended, and 6 cases resulted in convictions. The Fiscalía estimates there are 388 victims including 349 male and 39 female. 40 of the victims are children.

¶4. (U) The Fiscalía reports the investigations have so far resulted in 160 preventive detentions and 90 indictments. Eight members of the army and one police officer have been convicted. The Fiscalía has questioned over 100 government officials, 541 members of the army, 69 police officers, 6 from CTI (Fiscalia's technical investigative body) and one navy officer. Most offenses occurred in Antioquia (71), Meta (32) and Norte de Santander (13), with 162 incidents in rural areas and 27 in urban areas. Six colonels, seven majors, 15 captains, one lieutenant colonel, 13 lieutenants, 12 sub-lieutenants, 38 sergeants, 59 conscript soldiers and 331 career soldiers remain under investigation.

¶5. (SBU) The Fiscalía is also developing a new sub-section within the Human Rights Unit that will be dedicated to investigating and prosecuting extrajudicial killings. This is part of an expansive restructuring effort by the Fiscalía to focus more resources on critical human rights cases. The Human Rights Unit will receive 55 new prosecutors and 100 investigators starting in January as part of the National

Development Plan and the \$40 million increase in the Fiscalía's 2008 budget.

Procuraduria Also Committed to Investigating Cases

¶6. (U) The Inspector General's Office (Procuraduria) is conducting separate, disciplinary investigations of 706 alleged extrajudicial killings, including some cases under investigation by the Fiscalía, that occurred between March 2002 and August 31, 2007 and include 1094 victims. The investigations involve 648 Army personnel, 18 members of the navy and 40 police. It reports a 13% increase in reported cases from 282 in 2006 to 320 in 2007. 22 cases occurred in urban areas and 684 in rural areas. The majority of cases occurred in Antioquia (259), Caqueta (54), Norte de Santander (41), Casanare (36) and Meta (29). The greater number of cases investigated by the Procuraduria reflects its less stringent evidentiary standards and rules, including admissibility of evidence. The Procuraduria also uses much broader criteria than the Fiscalía in classifying a crime as an "extrajudicial killing." (Note: "Extrajudicial killing" is not an offense in Colombia's criminal code. Such killings are usually classified as aggravated or ordinary homicides. End note)

UNHCHR Getting Strong Cooperation from MOD

¶7. (C) The local United Nations High Commissioner for Human Rights (UNHCHR) office visited the Colombia Army's seven divisions--at the request of Army Commander General Montoya--in August to review approximately 90 alleged cases of extrajudicial killings. UNHCHR reviewed the cases with divisional, brigade, and battalion commanders. UNHCHR found that: 1) information on alleged killings is retained at the brigade and battalion levels but does not flow to lawyers at headquarters; 2) only a small number of cases bore out military claims that the deaths occurred during combat; 3) in cases where courts or disciplinary bodies found a wrongful death occurred, the military continued to insist kills were legitimate; 4) several officers attributed the deaths to

senior officers' demand for "results"; 5) military lawyers tend to be young, poorly trained and inculcated with the view that their primary duty is to defend the Armed Forces; and 6) the Colombian army needs to strengthen its internal disciplinary controls, broaden metrics to include captures and desertions as well as kills, and redesign its training to stress captures as well as "search and destroy" missions. The UNHCHR praised military cooperations and is discussing its conclusions with the MOD's Investigative Committee on Extrajudicial Killings.

MOD Committee Continues Implementing Directive 10

18. (U) The Ministry of Defense's Investigative Committee, set up on July 11 under Directive 10, has met three times to address the problem of extrajudicial killings. The Committee expects to complete a comprehensive report, including policy recommendations, by the end of October. On July 21, it distributed the Bulletin of Military Justice to all military judges and justice officials to alert them on Directive 10, which reiterates the Armed Forces' legal obligations under international humanitarian law regarding treatment of civilians and civilian investigations of extrajudicial killings. Armed Forces Commander General Montoya also issued an order instructing army personnel that their responsibility as "first responders" at the scene of a combat death is to notify civilian authorities and to preserve the scene until civilian investigators arrive. 26,000 military personnel have received "first responder" training.

19. (SBU) Chief of the Armed Forces General Freddy Padilla also ordered military personnel on July 10 "to exhaust all available resource" to enable civilian investigators to arrive at combat scenes as quickly as possible to conduct their investigations. Still, Military Criminal Justice

director Luz Marin Gil concedes that ensuring civilian investigation of combat deaths remains a challenge, especially in rural areas. Gil said she has designated an auditor to review alleged extrajudicial killings to identify trends and problems and propose solutions. Finally, she said a bill amending the military criminal justice code will help clarify that the military criminal justice system does not have jurisdiction over specific violations of international humanitarian law and other human rights offenses.
Brownfield